

REMARKS

Summary

These remarks are set forth in response to the Non-Final Office Action. Presently, claims 1, 3-9, 11-15, 17-20 and 22 are pending in this application. Favorable reconsideration and allowance of the pending claims are requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 3-9, 11-15, 17-20 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 7,069,439 B1 to Chen et al. (hereinafter “Chen”) in view of United States Publication No. 2004/0147251 A1 to Nakayama et al. (hereinafter “Nakayama”) and further in view of United States Patent No. 7,424,611 B2 to Hino et al. (hereinafter “Hino”). Applicants respectfully traverse the rejection, and requests reconsideration and withdrawal of the rejection.

According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicant submits that the cited references, taken alone or in combination, fail to teach each and every element recited in claims 1, 3-9, 11-15, 17-20 and 22 and thus they define over the cited references. For example, with respect to claim 1, the cited references fail to teach at least the following language:

the first processing system comprising a first processor of a device;
the second processing system comprising a second processor of the device;

communicating control signals, by the second processing system, to disable access by the first processing system to a transceiver of the device if the integrity of the application is not verified.

According to the Office Action, the above-recited language is disclosed by the Hino at column 3, lines 60-67. This assertion is respectfully traversed.

Applicant respectfully submits that claim 1 defines over Hino because Hino fails to disclose, teach or suggest at least the second processing system disabling access by the first processing system to a transceiver of the device if the integrity of the application is not verified. As provided for in the Specification, the second processing system disabling access to the transceiver by the first processing system provides a significant technical advantage because “failure or corruption of the first processing system is contained to a limited” environment and therefore reduces “the possibility of compromising” the system.

Chen, Nakayama and Hino do not teach this limitation. Page 11 of the Office Action states that Chen merely teaches terminating a session and that Chen does not disclose disabling the transceiver if verification fails. Furthermore, Chen does not teach a second processing system, comprising a second processor of a device, disabling access by a first processing system, comprising a first processor of the device, to a transceiver. Consequently, Chen fails to disclose, teach or suggest every element recited in claim 1.

Nakayama does not overcome the deficiencies of Chen. Nakayama does not disclose disabling or terminating by a second processing system, with a second processor of a device, access by a first processing system, with a first processor of the device, to a transceiver based on verification. Nakayama merely teaches a transceiver. Consequently, Nakayama fails to disclose, teach or suggest every element recited in claim 1.

Hino does not overcome the deficiencies of Chen and Nakayama. Hino, in column 3, lines 60-63, teaches a “hardware having a function of enabling and disabling transmission of an electric signal of the authenticator of the program executing means from the program executing means...”

However, Hino does not teach a second processing system, comprising a second processor of a device, disabling access by a first processing system, comprising a first processor of the device, to a transceiver. Hino merely teaches enabling/disabling transmission of the authenticator of the program executing means from the program executing means. Hino does not teach two processors of a device. Furthermore, Hino does not teach a second processor disabling a first processor from transmitting signals to a transceiver. Accordingly, Hino does not teach “communicating control signals, by the second processing system, to disable access by the first processing system to a transceiver of the device if the integrity of the application is not verified,” as recited in claim 1. Consequently, the cited references, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 1.

Absence from the cited references of the above-mentioned claim elements negates obviousness. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 3-6, which depend from claim 1, and therefore contain additional features that further distinguish these claims from the cited references.

Independent claims 7, 9, 15 and 20 recite elements similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 7, 9, 15 and 20 are not obvious and are patentable over the cited references for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claims 7, 9, 15 and 20. Furthermore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 8, 11-14, 17-19 and 22 that depend from claims 7, 9, 15 and 20, and therefore contain additional features that further distinguish these claims from the cited references.

Conclusion

It is believed that claims 1, 3-9, 11-15, 17-20 and 22 are in condition for allowance. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Applicants do not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the limitations of the independent claims and dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the claims from the cited references, taken alone or in combination, based on additional features contained in the independent or dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the Deposit Account No. 50-4238.

Respectfully submitted,

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Rebecca M. Bachner, Reg. No. 54,865
Under 37 CFR 1.34(a)

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